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(Original Signature of Member)

118TH CONGRESS  
1ST SESSION

# H. R. \_\_\_\_

To prohibit the Secretary of Homeland Security from operating or procuring certain foreign-made unmanned aircraft systems, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

M\_. \_\_\_\_\_ introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# A BILL

To prohibit the Secretary of Homeland Security from operating or procuring certain foreign-made unmanned aircraft systems, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the “Unmanned Aerial Security Act” or the “UAS Act”.

### SEC. 2. PROHIBITION ON OPERATION OR PROCUREMENT OF CERTAIN FOREIGN-MADE UNMANNED AIRCRAFT SYSTEMS.

(a) PROHIBITION ON AGENCY OPERATION OR PROCUREMENT.—Except as provided in subsection (b) and subsection (c)(3), the Secretary of Homeland Security may not operate, provide financial assistance for, or enter into or renew a contract for the procurement of—

(1) an unmanned aircraft system (UAS) that—

(A) is manufactured in a covered foreign country or by a corporation domiciled in a covered foreign country;

(B) uses flight controllers, radios, data transmission devices, cameras, or gimbals manufactured in a covered foreign country or by a corporation domiciled in a covered foreign country;

(C) uses a ground control system or operating software developed in a covered foreign country or by a corporation domiciled in a covered foreign country; or

(D) uses network connectivity or data storage located in a covered foreign country or administered by a corporation domiciled in a covered foreign country;

(2) a software operating system associated with a UAS that uses network connectivity or data storage located in a covered foreign country or administered by a corporation domiciled in a covered foreign country; or

(3) a system for the detection or identification of a UAS, which system is manufactured in a covered foreign country or by a corporation domiciled in a covered foreign country.

(b) WAIVER.—

(1) IN GENERAL.—The Secretary of Homeland Security is authorized to waive the prohibition under subsection (a) if the Secretary certifies in writing to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate that a UAS, a software operating system associated with a UAS, or a system for the detection or identification of a UAS described in any of paragraphs (1) through (3) of such subsection that is the subject of such a waiver is required—

(A) in the national interest of the United States;

(B) for counter-UAS surrogate research, testing, development, evaluation, or training; or

(C) for intelligence, electronic warfare, or information warfare operations, testing, analysis, and or training.

(2) NOTICE.—The certification described in paragraph (1) shall be submitted to the Committees specified in such paragraph by not later than the date that is 14 days after the date on which a waiver is issued under such paragraph.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—This Act shall take effect on the date that is 120 days after the date of the enactment of this Act.

(2) WAIVER PROCESS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish a process by which the head of an office or component of the Department of Homeland Security may request a waiver under subsection (b).

(3) EXCEPTION.—Notwithstanding the prohibition under subsection (a), the head of an office or component of the Department of Homeland Security may continue to operate a UAS, a software operating system associated with a UAS, or a system for the detection or identification of a UAS described in any of paragraphs (1) through (3) of such subsection that was in the inventory of such office or component on the day before the effective date of this Act until—

(A) such time as the Secretary of Homeland Security has—

(i) granted a waiver relating thereto under subsection (b),  
or

(ii) declined to grant such a waiver, or

(B) one year after the date of the enactment of this Act,

whichever is later.

(d) **DRONE ORIGIN SECURITY REPORT TO CONGRESS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a terrorism threat assessment and report that contains information relating to the following:

(1) The extent to which the Department of Homeland Security has previously analyzed the threat that a UAS, a software operating system associated with a UAS, or a system for the detection or identification of a UAS described in any of paragraphs (1) through (3) of subsection (a) operating in the United States poses, and the results of such analysis.

(2) The number of UAS, software operating systems associated with a UAS, or systems for the detection or identification of a UAS described in any of paragraphs (1) through (3) of subsection (a) in operation by the Department, including an identification of the component or office of the Department at issue, as of such date.

(3) The extent to which information gathered by a UAS, a software operating system associated with a UAS, or a system for the detection or identification of a UAS described in any of paragraphs (1) through (3) of subsection (a) could be employed to harm the national or economic security of the United States.

(e) **DEFINITIONS.**—In this section:

(1) **COVERED FOREIGN COUNTRY.**—The term “covered foreign country” means a country that—

(A) the intelligence community has identified as a foreign adversary in its most recent Annual Threat Assessment; or

(B) the Secretary of Homeland Security, in coordination with the Director of National Intelligence, has identified as a foreign adversary that is not included in such Annual Threat Assessment.

(2) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given such term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

(3) UNMANNED AIRCRAFT SYSTEM; UAS.—The terms “unmanned aircraft system” and “UAS” have the meaning given the term “unmanned aircraft system” in section 44801 of title 49, United States Code.

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